

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 13, 15-18, and 20-30 are pending in the present application, Claims 13, 15, and 21 having been amended, and Claims 25-30 having been added. Support for the present amendment is believed to be self-evident from the originally filed specification.¹ No new matter is added.

In the outstanding Office Action, Claims 13, 14, 19, and 20 were rejected under 35 U.S.C. §102(b) as anticipated by Ida et al. (U.S. Patent No. 6,537,801, hereinafter Ida); Claims 16-18 were rejected under 35 U.S.C. §103(a) as unpatentable over Ida in view of Sogawa (U.S. Patent Publication No. 2001/0044058); and Claims 21-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Ida.

Applicants thank the Examiners for the courtesy of an interview extended to Applicants' representative on February 19, 2010. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement as to allowability was reached as the amended form of the claims required further searching. The amendments discussed during the interview differ slightly from what is being formally submitted. It is noted that new dependent claims 28 and 30 recite that the molecular recognition areas and the optical format are not aligned with respect to each other.

With respect to the rejection of Claim 13 as anticipated by Ida, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites,

¹ See, for example, page 3, line 15 to page 4, line 6, page 4, line 21 to page 5, line 3, page 8, lines 24-28, and page 13, lines 7-10 of the originally filed specification. See also page 12, line 20 to page 13, line 18.

A biochip comprising:

a plurality of molecular recognition areas distributed with a determined layout to create a format of molecular recognition areas, wherein the molecular recognition areas include specific recognition areas that have fluorescent patterns, said specific recognition areas being arranged at predefined locations on the biochip with respect to other areas of the molecular recognition areas; and

a plurality of optical position marks for the plurality of molecular recognition areas, distributed with a determined layout to form an optical format, wherein *the molecular recognition areas and the optical format are spatially independent*, and

the specific molecular recognition areas provide means for determining a relative position of the optical format to the molecular recognition areas.

Ida does not disclose or suggest every element of amended Claim 13.

Ida describes a biochip that includes a plurality of molecular recognition areas and a device for reading such a biochip. Optical marking patterns placed on the biochip may be in the form of tracks.² In the biochip of Ida, the optical format is not independent of the format of the molecular recognition areas. This is shown at Fig. 3 of Ida and specified at col. 12, lines 49-54 of Ida, which states “the biochip 10 also comprises a network 120 of optical positioning marks *associated with recognition areas*” [emphasis added].³ In other words, the guide tracks of Ida are arranged in a manner dependent upon the molecular recognition areas. In Ida, it is necessary that the optical format and the recognition areas be positioned precisely with respect to each other (i.e., dependent on each other).⁴ Thus, the biochip of Ida does not include the claimed “the molecular recognition areas and the optical format are *spatially independent*.”

² Ida, Fig. 3.

³ See, also, Ida, col. 6, lines 54-55 and col. 7, lines 39-42.

⁴ See, Ida, col. 5, lines 43-47, col. 6, lines 64-65, and col. 7, lines 6-7.

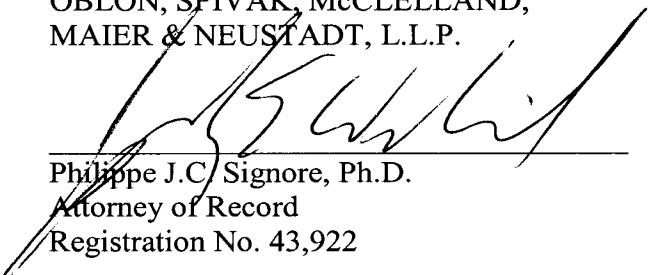
In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 13 (and any claims dependent thereon) patentably distinguish over Ida. Claim 29 recites elements analogous to those of Claim 13. Thus, new Claim 29 patentably distinguishes over Ida for at least the reasons stated for Claim 13.

Sogawa has been considered, but does not cure the above-noted deficiencies of Ida.

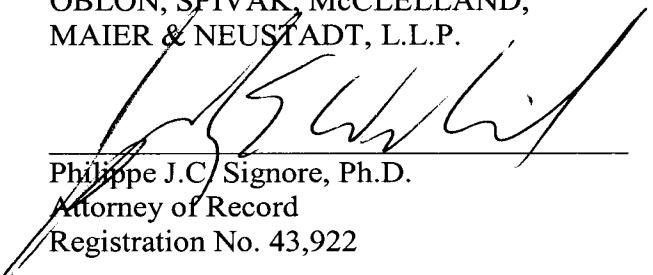
Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922



Joseph Wrkich
Registration No. 53,796

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)
3208220_1